

REMARKS**1. Status of claims**

After entry of the above amendment, claims 1-42 are pending.

2. Support for amendment

New claim 42 finds support in original claims 1, 17, and 21. Other amendments find support at p. 12, lines 7-9.

3. Claim rejections under 35 U.S.C. §112

The Examiner rejected claims 1-41 under 35 U.S.C. §112, second paragraph, as being indefinite, specifically for not qualifying the term "molecular weight" as number average molecular weight, weight average molecular weight, or the like. Applicants respectfully traverse this rejection.

The recitation of "molecular weight" in the present claims is in regard to a terminal monovinylarene block of a monovinylarene-conjugated diene coupled block copolymer. The polymer recipes given in the specification at Table 1, pp. 23-24 refer to "Mp" of the Polystyrene1 block. The Applicants respectfully submit the skilled artisan will understand "Mp" to refer to peak molecular weight, implying there is a single peak molecular weight. The skilled artisan will also understand that monovinylarene blocks typically have polydispersities close to 1, *i.e.*, have number average molecular weight close to both weight average molecular weight and peak molecular weight. The Applicants respectfully submit the skilled artisan will understand the term "molecular weight," in this context, refers to a peak molecular weight, however measured, of less than 60,000 g/mol.

4. *Claim rejections under 35 U.S.C. §§102/103*

The Examiner rejected claims 1-10, 13, 16-20, and 22 under 35 U.S.C. §102(b) or §103(a) as being anticipated by or obvious over Swisher *et al.*, US Publ. Appln. 2003/0004267, ("Swisher"). In light of the above amendment, Applicants respectfully traverse these rejections.

The Examiner has held that Swisher, now issued as US 6,835,778, reports a blend comprising a coupled conjugated diene/monovinylarene block copolymer comprising tapered blocks and a monovinylarene/alkyl methacrylate copolymer [0098-0101]. The block copolymer contains from about 55 wt% to about 95 wt% monovinylarene units [0013]. The Examiner has concluded the block copolymer contains terminal styrenic blocks having molecular weights below 60,000 in light of paragraphs [0120-0122]. Swisher reports a blend further comprising, *inter alia*, 5 wt% KR03 styrene/butadiene copolymer [0129, footnote to Table 2]. The Examiner has concluded that KR03 contains 75% styrene/25% butadiene.

In contrast, the present claims recite either (i) a blend of a coupled conjugated diene/monovinylarene block copolymer and a monovinylarene/C₂₋₆ alkyl acrylate copolymer or (ii) a blend comprising three components, one of which is a monovinylarene/conjugated diene rubber, defined as a copolymer of monovinylarene and conjugated diene containing less than 50 wt% monovinylarene units. The Applicants respectfully submit Swisher does not disclose a blend comprising either a monovinylarene/ C₂₋₆ alkyl acrylate copolymer or a monovinylarene/conjugated diene rubber, and therefore cannot anticipate the present claims for that reason alone.

Also, Applicants respectfully disagree with the Examiner's conclusion that the block copolymer of Swisher necessarily contained terminal styrenic blocks having molecular weights

below 60,000. The skilled artisan will understand that the Examiner's calculation of the theoretical molecular weight assumes that each molecule of alkyl lithium initiator polymerizes a single chain of block copolymer, but that this assumption ignores the likelihood that impurities present in the system will quench or poison alkyl lithium and prevent maximum alkyl lithium initiation of polymerization, thus reducing the number of growing polymer chains. With reduced numbers of growing polymer chains, a living polymerization carried to substantially complete polymerization requires the molecular weight of the final chains be higher.

Concerning obviousness, as discussed above, Swisher does not guide the skilled artisan to consider terminal monovinylarene blocks having molecular weights below 60,000. Also, contrary to the Examiner's allegation, Swisher does not disclose copolymerization of styrene with C₂₋₆ alkyl acrylate at paragraphs [0098-0101]. Applicants respectfully submit paragraphs [0098-0101] of Swisher do not guide the skilled artisan to the use of C₂₋₆ alkyl acrylate.

For at least the foregoing reasons, Applicants respectfully request these rejections of claims 1-10, 13, 16, 18-20, and 22 be withdrawn.

5. *Claim rejections under 35 U.S.C. §103*

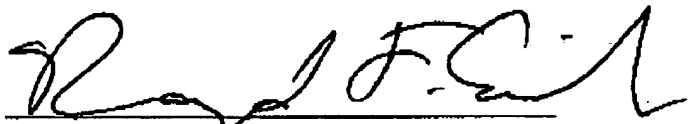
The Examiner rejected claims 11, 12, 14, 23-34, and 37-41 under 35 U.S.C. §103(a) as being obvious over Swisher. Applicants respectfully traverse this rejection for the reasons discussed above. Therefore, Applicants respectfully request this rejection of claims 11, 12, 14, 23-32, 34, and 37-41 be withdrawn.

6. *Conclusion*

Applicants respectfully submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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July 15, 2005

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